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E. O. 12065: GDS 11-9-85 (FRIEDMAN, TOWNSEND B.) OR-P
TAGS/:SHUM AR
SUBJECT: (U) HUMAN RIGHTS SUMMARY - NOVEMBER 2-8
REF: BUENOS AIRES 9069
1. (C) SUMMARY: THE CLARIFICATION OF A DISAPPEARANCE--THE INDIVIDUAL IS IN JAIL--AND AN UNSUCCESSFUL TERRORI T ATTACK WERE THE MOST OUTSTANDING EVENTS ON THE HUMAN RIGHTS SCENE LAST WEEK. THE FAILED EFFORT TO MURDER THE TREASURY SECRETARY, APPARENTLY BY MONTONEROS, WILL GIVE HARDLINERS ANOTHER ARGUMENT TO USE AGAINST THE LEADERSHIP OF PRESIDENT VIDELA AND ARMY COMMANDER VIOLA. RETIRED GENERAL MENENDEZ' LETTER TO A FELLOW ARMY OFFICER WHICH GIVES VOICE TO THE COMPLAINTS OF THE HARDLINE WAS PUBLISHED IN SEVERAL NEWSPAPERS. WHILE THE SENTIMENTS HE EXPRESSED ARE SHARED BY MANY MILITARY MEN THEY DO
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NOT SEEM READY TO FOLLOW WITH ACTION AGAINST VIDELA AND VIOLA. AND FOR HIS PART VIOLA CONTINUES TO EXPRESS PUBLICLY HIS CONFIDENCE THAT THE COUNTRY IS FIRMLY ON THE POLITICAL PATH HE AND VIDELA HAVE CHOSEN. HUMAN RIGHTS ACTIVISTS AND OTHERS HAVE TAKEN HEART THAT THE POP 'S RECENT ADMONITIONS ON THE HUMAN RIGHTS SITUATION IN ARGENTINA WOULD HELP STREGTHEN MORE HOPEFUL TRENDS HERE. HOWEVER, ARGENTINE CONSERVATIVES IN THE CHURCH AND THE GOVERNMENT HAVE SOUGET TO DIMINISH AND DILUTE THE IMPORTANCE OF WHAT THE POPE SAID. END SUMMARY.
2. (U) DISAPPEARANCE CLARIFIED: THE OCTOBER 31 DISAPPEARANCE OF VICTOR RUBEN PORTER WAS EXPLAINED BY A NOVEMBER 4 ARMY COMMUNIQUE WHICH ANNOUNCED THAT HE IS BEING HELD AND CHARGED WITH BEING AN ACTIVE MEMBER OF
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THE MONTONEROS. THE ACKNOWLEDGEMENT THAT RUBEN PORTER WAS UNDER ARREST IS A DEPARTURE SINCE IN THE PAST SUSPECT MONTONEROS HAVE DISAPPEARED WHEN SEIZED BY THE SECURITY FORCES.

3. (C) TERRORISTS STRIKE: ON NOVEMBER 7 TERRORISTS ATTEMPTED UNSECCESSFULIY TO MURDER TREASURY SECRETARY JUAN ALEMMAN WHO ESCAPED INJURY FROM THE MACHINE GUN AND FIRE BOMB ATTACK ON HIS CAR. HIS DRIVER AND HIS BODY GUARD BOTH WERE WOUNDED BUT, ACCORDING TO GOA PRESS RELEASES, NOT SERIOUSLY. THUS FAR, NO GROUP HAS TAKEN RESPONSIBILITY FOR THE MURDER ATTEMTPT, BUT IT IS GENERALLY ASSUMED THAT IT WAS PROBABLY THE SAME OR AN ASSOCIATED MONTONERO TEAM WHICH BOMBED THE HOUSE OF ECONOMIC COORDINATION SECRETARY WALTER KLEIN ABOUT SIX WEEKS AGO. SO FAR AS WE CAN TELL, HE REACTION TO THE TERRORIST ATTACK HAS BEEN MUTED COMPARED TO THAT WHICH FOLLOWED THE ATTACK ON KLEIN AND HIS FAMILY.

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HOWEVER, CONTINUED ACTIONS BY THE TERRORISTS CANNOT HELP BUT STRENGTHEN THE HAND OF HARDLINERS, WHO OBJECT TO THE DIRECTION TAKEN BY PRESIDENT VIDELA AND ARMY COMMANDER VIOLA.

4. (C) MENENDEZ LETTER PUBLISHED: THE PRESS HAS PUBLISHED A LETTER WRITTEN BY RETIRED GENERAL LUCIAN BENJAMIN MENENDEZ WHO IS NOW SERVING A 90-DAY SENTENCE FOR HIS FAILED COUP ATTEMTP IN SEPTEMBER. THE LETTER WAS ADDRESSED BY MENENDEZ TO HIS MILITARY COLLEAGUES TO EXPLAIN HIS MOTIVES AND OBJECTIVES IN SEEING TO OVERTHROW THE VIDELA REGIME.

MENENDEZ REPEATS HIS NOW FAMILIAR CHARGES THAT THE VIDELA GOVERNMENT BUCKELD TO FOREIGN PRESSURE ON HUMAN RIGHTS (IAHRC, TIMERMAN AND CAMPORA) AND IN THE BEAGLE CHANNEL DISPUTE WITH CHILE. IN ADDITION, HE SAYS THAT INSTEAD OF BRINGING A NEW DAWN FOR ARGENTINA THE GOVERNMENT IS PREPARING TO HAND OVER THE COUNTRY TO "THE PARTY OF FRIENDS," THE SAME LEADERS THAT HE ALLEGES HAVE CAUSED ALL THE PROBLEMS IN THE PAST.

WE UNDERSTAND FROM A VARIETY OF SOURCES THAT MENENDEZ SENTIMENTS ARE SHARED BY MANY OFFICERS BELOW THE RANK OF GENERAL. NEVERTEELESS, WHATEVER THEIR BELIEFS, THESE MEN WERE NOT PREPARED TO BREAK RANKS AND FOLLOW HIM IN SEPTEMBER AND THEY ARE LESS DISPOSED TO DO SO NOW THAT HE IS RETIRED. HOWEVER, THE THEMES HE IS PLAYING PROVIDE SIGNIFICANT BACKGROUND AS THE MILITARY CONTINUES TO GRIND THROUGH ITS PROMOTION LISTS, LOOKING ULTIMATELY TO THE KEY CHANGE--THE SUCCESSION TO GENERAL VIOLA.

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5. FOR HIS PART, VIOLA CONTINUES TO VOICE PUBLIC CONFIDENCE THAT THE LINES HE AND VIDELA HAVE TRACED WILL BE FOLLOWED STEP BY STEP TOWARDS DEMOCRACY. AND HE AFFIRMED TO HIS FELLOW INTER-AMERICAN CINCS WHO ARE MEETING IN BOGOTA THIS WEEK THAT "THERE ARE NO PROBLEMS IN THE ARGENTINE ARMED FORCES"- MEANWHILE, A SPOKESMAN FOR THE ARMY COMMANDER IN BUENOS AIRES SOUGHT TO REFUTE MENENDEZ ALLEGATIONS. INTERESTINGLY, A POINT IN DISPUTE WAS WHO COMMANDED--AND BY EXTENSION WAS RESPONSIBLE FOR--THE ANTI-SUBVERSIVE STRUGGLE. MENENDEZ, IN AN EFFORT TO DIMINISH VIDELA AND VIOLA BEFORE THE OFFICER CORPS, STATES THAT THE CAMPAIGN WAS CONDUCTED BY THE "TROOP COMMANDERS" LIKE HIMSELF. VIOLA'S SPOKESMAN QUICKLY REJOINED THAT THE CAMPAIGN WAS CRDERED FROM THE TOP--THAT IS BY VIDELA AND THEN VIOLA.
FINALLY, WE NOTE THAT WHEN INTERIOR MINISTER
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HARGUINDEGUY WAS ASKED BY A REPORTER WHETHER MENENDEZ WAS BEHAVING SUBVERSIVELY, HE REPLIED "NO.....ARE YOU COMPARING HIM WITH FIRMENICH (THE MONTONERO LEADER).... I CANNOT ADMIT THAT AN ARGENTINE WOULD THINK THAT AN ARGENTINE GENERAL IS SUBVERSIVE."
5. (C) THE POPE'S WORDS ECHO: THE POPE'S REMARKS ON THE DISAPPEARED AND THE DETAINED, AND HIS CALL TO THE ARGENTINE CHURCH TO DEFEND HUMAN RIGHTS CONTINUED TO ECHO IN THE COUNTRY. HUMAN RIGHTS ACTIVISTS HAVE PLAYED BACK THE POPE'S REMARKS TO ENCOURAGE THE GOVERNMENT AND THE CHURCH TO MOVE IN THE DIRECTION THE POPE INDICATED. ON THE OTHER HAND,
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MEMBERS OF THE GOVERNMENT AND THE ARGENTINE HIERARCHY HAVE SOUGHT TO FUZZ UP THE PICTURE, WHILE SOME OF THEIR MORE CONSERVATIVE ALLIES HAVE BEGUN TO REFUTE THE POPE.

INTERIOR MINISTER HARGUINDEGUY TOLD THE PRESS THAT HE COULD NOT COMMENT ON THE POPE'S REMARKS BECAUSE HE DID NOT KNOW IF THE PRESS REPORTS WERE AN ACCURATE RENDITION OF WHAT THE POPE HAD SAID (HARGUINDEGAY, ACCORDING TO ONE REPORT SAID HE HAD ASKED THE CHURCH TO "RATIFY OR RECTIFY THE REPORRTS," A QUOTE THAT HAS NOW EMBARASSED HIM AND CAUSED HIS MINISTRY TO ISSUE A DENIAL). SINCE GENERAL HARCUIDDEGUY'S MINISTRY IS RESPONSIBLE FOR TAKING THE ACTIONS THAT WOULD BE REQUIRED IF THE GOA WERE TO RESPOND POSITIVELY TO THE POPE'S CALL HIS TREATMENT OF THE POPE'S WORDS IS HARDLY ENCOURAGING.

NEITHER ARE REMARKS BY TWO ARGENTINE BISHOPS

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WHO HAVE RETURNED FROM ROME. THEY BOTH SOUGHT TO MINIMIZE THE IMPACT OF WHAT THE POPE HAD SAID ABOUT HUMAN RIGHTS.

FINALLY, THE RIGHTIST NEWSPAPER, LA NUEVA PROVINCIA, HAS EXPRESSED ITS "PAINFUL AND DISAGREEABLE SURPRISE" AT THE POPE'S REMARKS WHICH IT SAID ARE "UNACCEPTABLE" AND ILL-FOUNDED. THE PAPER, WHICH ALL BUT ACCUSED THE POPE OF FALLING INTO A TRAP SET BY INTERNATIONAL COMMUNISM, ALSO QUESTIONED WHETHER JOHN PAUL II NOW CAN BE A MEDIATOR IN THE BEAGLE DISPUTE WITH CHILE.

IN SHORT, THE POPE'S WORDS HAVE NOT YET MOVED THE CONSERVATIVES OF THIS COUNTRY. AND THOUGH SOME SOURCES EXPRESS A BELIEF THAT AN IMPORTANT STRUGGLE IS SHAPING UP BETWEEN THE CHURCH AND THE GOVERNMENT, THUS FAR THE MAJOR SPOKESMAN FO THE CHRCH HERE SEEM TO BE RALLYING AROUND THE GOVERNMENT, TAKING ERFUGE IN THE NATICNALISM THAT MARKS THIS COUNTRY. EVEN THE ARREST OF CHURCH-BACKED DEMONSTRATORS PROTESTING BUENOS AIRES URBAN RENEWAL PRACTICES, HAS PROBABLY NOT CAUSED ANY LASTING DAMAGE IN RELATIONS BETWEEN THE LOCAL CHURCH AND THE GOA.

THE BISHOP OF NEUQUEN, JAIME YEVAR, HAS BEEN ON EXCEPTION TO THE HIERARCHY'S COOLNESS TO HUMAN RIGHTS ISSUES. ON HUMAN RIGHTS SOURCE HAS TOLD US THAT NEVARES BRIEFED THE POPE ON HUMAN RIGHTS VILATIONS IN ARGENTINA AND EFFECTIVELY RECRUITED HIM TO THE CAUSE. ONE REPORT ALSO SUGGEST THAT THE GOA PROMISED THE VATICAN LAST MONTH TO TAKE STEPS TO CLARIFY THE SITUATION OF THE DISAPPEARED, TO DECLARE THERE ARE NO UNACKNOWLEDGED PRISONS AND TO TRY THOSE UNDER PEN. THE POPE'S REMARKS IN ROME ARE TAKEN BY SOME AS AN INDICA-

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TION OF IMPATIENCE WITH THE GOA'S FAILURE TO FOLLOW
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6. (C) A NEW DENUNCIATION OF THE GOA: WE HAVE NOW SEEN A COPY OF A LENGTHY DOCUMENT RELEASED BY THREE CONFESSED MONTONERO WOMEN IN PARIS LAST MONTH. THE WOMEN STATE THAT THEY WERE HELD FOR ABOUT 18 MONTHS AT THE NAVY MECHANIC'S SCHOOL IN BUENOS AIRES WHICH WAS A MAJOR DETENTION AND INTERROGATION CENTER. THEY STATE THAT PRIOR TO THEIR RELEASE IN LATE 1978 AND EARLY 1979 THEY WERE MEMBERS OF A SPECIAL GROUP OF TRUSTEES RECRUITED TO WORK FOR THE NAVY IN GENERAL AND NAVY CHIEF ADMIRAL MASSERA IN PARTICULAR. THE REPORT IS CHOCK FULL OF INFORMATION AND ALLEGATIONS. MUCH OF WHAT THE WOMEN SAY WE HAVE HEARD BEFORE, BUT IN FAR LESS DETAIL. THE REPORT'S NEW DEPARTURE IS ITS EXTENSIVE LISTING -- FREQUENTLY BY NAME AND RANK -- OF THOSE WHO WERE ALLEGEDLY PART OF THE SCHOOL'S COMMAND OPERATIONAL AND INTERROGATION TEAMS. THE REPORT HAS CIRCULATED WIDELY IN EUROPE AND BEEN PICKED UP BY PAPERS THERE
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7. (U) ACTIVE COURT CALENDAR: ARGENTINE COURTS HANDED DOWN A SERIES OF DECISIONS THAT BEAR ON THE HUMAN RIGHTS SITUATION HERE:
-- THE SUPREME COURT OVERTURNED TWO LOWER COURT DECISIONS WHICH HAD ORDERED PEN DETAINEES FREED. THE COURT'S DECISIONS APPEAR TO BE IN LINE WITH PAST PRECEDENTS IN WHICH IT WAS UPHELD THE EXECUTIVE'S BROAD US OF ITS PEN POWER;
-- SEVEN PEOPLE ACCUSED OF TERRORIST ACTS IN 1976 WERE GIVEN SENTENCES RANGING FROM ONE YEAR TO LIFE IMPRISONMENT BY A CORDOBA COURT. TWO OTHERS TRIED WITH THEM WERE FREED;
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-- ANOTHER CORDOBA COURT ABSOLVED A CORDOBA COUPLE, BOTH JEHOVAH'S WITNESSES, WHO WERE ACCUSED BY LOCAL SCHOOL AUTHORITIES OF HAVING INCITED THEIR FIVE AND SEVEN YEAR OLD DAUGHTERS TO REFUSE TO SALUTE THE ARGENTINE FLAG;
-- LOWER COURTS INVOLVED IN HABEAS CORPUS PROCEEDINGS HAVE TWICE RECENTLY ORDERED THE PUBLICATION OF THE PICTURES OF THE DISAPPEARED PERSON AND DESCRIPTION OF THE CIRCUMSTANCES OF THEIR DISAPPEARANCE. THESE ORDERS ARE SOMETHING OF A DEPARTURE FROM THE PAST.
8. (C) DISAPPEARED LAW PROTESTED: HUMAN RIGHTS ORGINIZATIONS WERE TO FILE AN APPEAL TO THE COURTS NOV. 9 ASKING THAT THE GOVERNMENT'S RECENT LAW ON PRESUMPTIVE DEATH BE DECLARED UNCONSTITUTIONAL. THE APPEAL, WE ARE TOLD, CONTAINS A BITTER AND STRONG ATTACK ON THE GOVERNMENT'S INTENTIONS AND MOTIVATIONS IN GIVING ITSELF THE AUTHORITY--ALONG WITH FAMILY MEMBERS--TO SEEK A DECLARATION OF PRESUMPTIVE DEATH FOR MISSING PERSONS, EVEN OVER THE OBJECTIONS OF FAMILY MEMBERS. THE LAWYERS WHO HELPED DRAFT THE APPEAL SPOKE TO MARIO AMADEO THE AUTHOR OF THE LAW AND PRESENTLY THE ARGENTINE NON-GOVERNMENTAL REPRESENTATIVE TO THE UN'S HUMAN RIGHTS COMMISSION. WE UNDERSTAND THAT AMADEO CONVINCED THEM THAT HE HAD NO MALIGN INTENTION IN GIVING THE GOVERNMENT A LARGE POTENTIAL ROLE IN THE DECLARATION OF PRESUMPTIVE DEATH. THEY ALSO LEARNED THAT WHEN AMADEO PRESENTED HIS LAW TO THE GOA HE INCLUDED SEVERAL OTHER RECOMMENDATIONS, ALL DESIGNED TO IMPROVE THE HUMAN RIGHTS SITUATION IN ARGENTINA. AND ARGENTINA'S STANDING IN INTERNATIONAL ORGANIZATIONS. NONE OF THESE WERE ACCEPTED BY THE GOAL OUR SORCES HAVE NO INFORMATION THAT THE GOVERNMENT HAS MISUSED THE NEW LAW.

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BUT ARE FEARFUL THAT ONE DAY IT MIGHT. THEY KNOW OF A FEW CASES WHERE FAMILY MEMBERS HAVE USED THE LAW TO HAVE A DISAPPEARED PERSON DECLARED DEAD.

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